IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3225 of 1997

Between:

Sk.P.Saida, S/o. Bade Saheb,
R/o. Kurichedu, Prakasam Dist.

..... PETITIONER

AND

1 The Managing Director ,A.P.S.R.T.C,
Musheerabad, Hyderabad.
2 The Regional Director ,A.P.S.R.T.C,
Ongole, Prakasam Dist.
3 The Labour Enforcement officer,
Ongole, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to absorb the Writ petitioners herein either as Cleaner or as Driver by declaring the inaction as being illegal and arbitrary

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondent Nos. 1&2: MR. R.M. REDDY

(SC FOR A.P.S.R.T.C.)

Counsel for the Respondent No.3:

The Court made the following ORDER:

This writ petition is filed by the petitioner praying for issue of writ of *mandamus* directing the respondents herein to absorb the petitioner either as Cleaner or as Driver by declaring the inaction on the part of the respondents as illegal, arbitrary and discriminatory.

2. According to the petitioner, he worked as Cleaner on the vehicle bearing No. AAE 6810 in Peda Rajupalem to Kurichedu route under a private owner by name D.Chandraiah for more than one year prior to Nationalization in December 1986. As per the policy of the Corporation, the petitioner's service was not absorbed. The petitioner along with other employees, who worked in the same vehicle, filed W.P.No.13267 of 1990 seeking direction to the respondent–Corporation to consider the cases of the petitioners therein for absorption. The said writ petition was disposed of on 22.04.1991 directing the respondent therein to consider the cases of the petitioners. According to the petitioner, the respondent–Corporation did not consider their claims though some of the Drivers and Conductors were absorbed into Corporation service. It is stated that the issue as to the absorption of Cleaners came up for consideration before the Division Bench of this Court in W.P.No.5186 of 1987, wherein this Court gave certain directions. Similarly it is stated that in writ petition No.8040 of 1990, the Corporation gave an undertaking before this Court that they would absorb one Cleaner per two displaced vehicles and if that yardstick is adopted, the Corporation is liable to absorb 99 cleaners as 198 routes are displaced in Prakasham district alone during November, 1986 to April, 1987. The further case of the petitioner is that though the respondent-Corporation was contending that I.T.I qualification is required for absorption as a Cleaner, the said stand of the Corporation is not correct. As the petitioner's case was not considered as per the directions of this Court in the above referred writ petition, the petitioner sought for the

relief.

3. A counter-affidavit has been filed on behalf of the respondents disputing and denying the allegations in the writ petition. However, it is admitted that the petitioner along with some others, who worked in the Vehicle bearing No. AEE 6810 filed writ petition No.13267 of 1990 and as per the directions of this Court, the claim was considered and some of the drivers and conductors were absorbed into service. It is stated that originally as per the scheme there was no provision to absorb the cleaners, however, subsequently, the said policy was reviewed and
46 cleaner vacancies were earmarked to the displaced workers as per the Circular No.PD-138/87, dated 29.12.1987 and accordingly the same were filled-up. It is further stated that in pursuance of the directions of this Court, the case of the petitioner was reviewed and detailed proceedings dated 02.12.1991 were issued rejecting his claims. It is stated that the petitioner is not entitled to any relief as the proceedings issued against him have become final. The orders passed by this Court in W.P.Nos.5186 of 1987 and 8040 of 1990 are not applicable to the case of the petitioner.

4. In view of the above rival contentions, the issue, which needs to be considered, is whether the petitioner is entitled to any relief in this writ petition?

5. The case of the petitioner is that he is one of the displaced employees as a result of the Nationalization of the routes in Prakasham District. The case of the petitioner along with others, who worked in the vehicle bearing No.AEE 6810 was ordered to be considered in the writ petition filed by them. The grievance of the petitioner is that in spite of such directions, the claim of the petitioner was not considered and no orders were passed. But, in the counter-affidavit it has been categorically stated that an order was passed as early as on 02.12.1991, on merits the claim of the petitioner was rejected and the order was communicated to the petitioner. No reply was filed by the petitioner disputing the said statement of the respondents. In fact, in the writ petition, the petitioner has come up with different contentions as to the claim for absorption. When once the claim of the petitioner was considered on merits and rejected and after such orders have become final, the petitioner is not entitled to any relief.

6. Hence, I do not find any merit in this writ petition, and the same is accordingly dismissed. No costs.

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S.Ananda Reddy, J

Date:15.09.2004

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To

1 The Managing Director ,A.P.S.R.T.C,
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